

## PATENTS

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**(Case No. 03-089-01)**

|  |   |                      |
|--|---|----------------------|
| In re Application of:                        | ) |                      |
|  | ) |                      |
| Kapolka et al.                               | ) |                      |
|  | ) | Group Art Unit: 3683 |
| Serial No.: 10/823,804                       | ) |                      |
|  | ) | Examiner: TBD        |
| Filing Date: April 12, 2004                  | ) |                      |
|  | ) |                      |
| For: System, Method and Computer Programming | ) |                      |
| Product for Remote Vehicle Diagnostics,      | ) |                      |
| Monitoring, Configuring and Reprogramming    | ) |                      |

Mail Stop: Petitions  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. 1.47(a)**  
**TO ALLOW SIGNATURE ON BEHALF OF**  
**INVENTORS WHO REFUSE TO SIGN**

Dear Sir:

Pursuant to 37 C.F.R. § 1.47(a), the Applicants respectfully request the Office to allow the signing inventors Mr. Andrew Smith ("Mr. Smith"), Mr. Dennis Essenmacher ("Mr. Essenmacher"), Mr. William Bromley ("Mr. Bromley"), Mr. Gregory A. Dills ("Mr. Dills"), Mr. Hassanayn Machlab El-Hajj ("Mr. El-Hajj"), Mr. Gregory J. Kelsey ("Mr. Kelsey"), Mr. Mark Brown ("Mr. Brown"), and Mr. Nik Neymeyer ("Mr. Neymeyer") make application on behalf of themselves and co-inventors Mr. Michael Kapolka ("Mr. Kapolka"), Mr. Sam Chang, ("Mr. Chang"), Mr. Brian Crull ("Mr. Crull"), Mr. Andrew Ditchfield ("Mr. Ditchfield"), and Mr. Brian R. Carl ("Mr. Carl"), who refuse to join the above-listed application.

In support of this Petition, I, Julian F. Santos, declare as follows with respect to U.S. Patent Application Serial No. 10/823,804 ("present Application"), entitled "System, Method and Computer Program Product for Remote Vehicle Diagnostics, Monitoring, Configuring and Reprogramming." I am an attorney at the law firm McDonnell, Boehnen, Hulbert and Berghoff ("MBHB"), and an outside counsel representative for Applicant, NNT, Inc. I have personal knowledge of the following facts, and if called to

11/30/2004 SLUANG1 00000001 132490 10823804

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 CHICAGO, ILLINOIS 60606  
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testify, I would and could testify competently to the matters set forth herein.

1. On April 12, 2004, MBHB filed a utility patent application entitled "System, Method and Computer Program Product for Remote Vehicle Diagnostics, Monitoring, Configuring and Reprogramming," now assigned the aforementioned Application Serial No. 10/823,804 at the request of NNT, a subsidiary of Snap-on Incorporated and a Wisconsin corporation, having a place of business at 2329 East Walton Blvd. Auburn Hills, MI 48326.
2. As noted, Messrs. Kapolka, Chang, Smith, Crull, Essenmacher, Ditchfield, Bromley, Carl, Dills, El-Hajj, Kelsey, Brown, and Neymeyer are named as joint inventors on the present Application. A copy of the filing receipt for the Application is attached hereto as Exhibit A.
3. The Application is a continuation-in-part, claiming the benefit of United States Non-Provisional Patent Application Serial No. 10/091,096 ("096"), filed March 4, 2002, entitled "Remote Monitoring, Configuring, Programming and Diagnostic System and Method for Vehicles and Vehicle Components," which claims the benefit of U.S. Provisional Application No. 60/351,165, entitled "Wireless Communication Framework", filed January 23, 2002, and is a continuation-in-part, claiming the benefit of commonly assigned, co-pending U.S. Patent Application Ser. No. 09/640,785 ("785"), filed August 18, 2000, entitled "System, Method and Computer Program Product for Remote Vehicle Diagnostics, Monitoring, Configuring and Reprogramming."
4. Messrs. Kapolka, Chang, Crull, Ditchfield and Bromley executed an assignment and agreement for the invention to which the '096 application is directed. In the executed assignment and agreement, they:
  - a. sold, assigned and transferred to WPI Micro Processor Systems, Inc. as assignee, and its successors, assigns and legal representatives, the entire right, title and interest, for all countries in and to certain inventions relating to Remote Monitoring, Configuring, Programming and Diagnostic System and Method for Vehicles and Vehicle Components described in an application for Letters Patent of the United States, filed as U.S. Serial No. 10/091,096 on 03/04/2002 and all the rights and privileges under any and all Letters Patent that may be granted therefore;



- b. requested that any and all patents for said inventions be issued to said assignee, its successors, assigns and legal representatives, or to such nominees as it may designate;
- c. agreed that, when requested, they will without charge to said assignee but at its expense, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for securing and maintaining patents for said inventions in any and all countries and for vesting title thereto in said assignee, its successors, assigns and legal representatives or nominees; and
- d. authorized and empowered said assignee, its successors, assigns and legal representatives or nominees, to invoke and claim for any application for patent or other form of protection for said inventions filed by it or them, the benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by any convention which may henceforth be substituted for it, and to invoke and claim such right of priority without further written or oral authorization from us.

A true and accurate copy of this assignment and agreement is attached hereto as Exhibit B.

- 5. Messrs. Kapolka, Chang, Crull, Ditchfield and Bromley have also executed a Declaration for Patent Application for the '096 application as shown in Exhibit C.
- 6. Messrs. Bromley, Carl, Chang, Crull, Ditchfield, Essenmacher and Kapolka executed an assignment and agreement for the invention to which the '785 application is directed. In the executed assignment and agreement, they:
  - a. sold, assigned and transferred to NEXIQ Technologies, Inc. (the assignee) their entire right, title and interest, for all countries in the invention(s) known as System, Method, and Computer Programming Product for Remote Vehicle Diagnostics, Monitoring, Configuring, and Reprogramming (also known as the United States Application No.



09/640,785 filed on 8/18/2000), in any and all application thereon, in any and all Letters Patent(s) therefore; and

- b. in any and all applications that claim the benefit of the patent application listed above in part (a), including continuing applications, reissues, extensions, renewals, and reexaminations of the patent application or Letters Patent therefore listed above in part (a), to the full extent of the terms or terms for which the Letters Patent(s) issue; and
- c. in any and all inventions described in the patent application listed above in part (a), and in any and all forms of intellectual property protection derivable from such patent application, and that are derivable from any and all continuing applications, reissues, extensions, renewals, and reexaminations of such patent application, including without limitation, patents, applications, utility models, inventor's certificates, and designs together with the right to file application therefore; and including the right to claim the same priority rights from any previously filed applications under the International Agreement for the Protection of Industrial Property, or any other international agreement, or the domestic laws of the country in which any such application is filed, as may be applicable;
- d. all such rights, title and interest to be held and enjoyed by NEXIQ Technologies, Inc., its successors, legal representatives and assigns to the same extent as all such rights, title and interest would have been held and enjoyed by NEXIQ Technologies, Inc. had this assignment and sale not been made;
- e. agreed to execute all papers necessary in connection with the application(s) and any continuing (continuation, divisional, or continuation-in-part), reissue, reexamination, or corresponding application(s) thereof and also to execute separate assignments in



connection with such application(s) as NEXIQ Technologies, Inc. may deem necessary or expedient;

- f. agree to execute all papers necessary in connection with any interference or patent enforcement actions (judicial or otherwise) related to application(s) or any continuation (continuation, divisional, or continuation-in-part), reissue, reexamination, or corresponding application(s) thereof and to cooperate with NEXIQ Technologies, Inc. in every way possible in obtaining evidence and going forward with such interference or patent enforcement action; and
- g. represented that they had the full right to convey the entire interest assigned therein, and that they had not, and would not, execute any agreement in conflict therewith.

A true and accurate copy of this assignment and agreement is attached hereto as Exhibit D.

- 7. Messrs. Bromley, Carl, Chang, Crull, Ditchfield, Essenmacher and Kapolka have also executed a Declaration for Patent Application for the '785 application as shown in Exhibit E.
- 8. NEXIQ Technologies, Inc. (and its subsidiaries) filed "Chapter 11 bankruptcy petitions on October 12, 2002, during the pendency of the '096 and '785 application, for which the present Application claims priority.
- 9. During the bankruptcy proceedings and pursuant to a purchase agreement, NEXIQ Technologies, Inc. and WPI Micro Processor Systems, Inc. (a subsidiary of NEXIQ Technologies, Inc.) assigned all right, title and interest in the present invention to NNT, Inc. on December 20, 2002 as evidenced by the attached assignments in Exhibit F. Other companies purchased the remaining Intellectual Property of NEXIQ Technologies, Inc. Consequently, NEXIQ Technologies, Inc. no longer exists as a corporation and was not merged into NNT, Inc.
- 10. The last known home address for Mr. Kapolka is 4858 Sunderland Rd., Sterling Heights, MI 48314.



11. The last known home address for Mr. Chang is 6926 Alden Dr., West Bloomfield, MI 48324.
12. The last known home address for Mr. Crull is 5514 Oak Park Drive, Clarkston, MI 48346.
13. The last known home address for Mr. Ditchfield is 29361 Tonester Circle, New Hudson, MI 48165.
14. The last known home address for Mr. Carl is 226 Longford Drive, Rochester Hill, MI 48309.
15. To date, Messrs. Smith, Essenmacher, Bromley, Dils, El-Hajj, Kelsey, Brown and Neymeyer have executed and returned to MBHB or NNT, Inc. a combined Declaration and Power of Attorney for the present Application. A copy of the executed Declaration and Power of Attorney is attached hereto as Exhibit G.
16. Messrs. Kapolka, Chang, Crull, Ditchfield, and Carl no longer work for WPI Micro Processor Systems, Inc. or NEXIQ Technologies, Inc. and have never worked for NNT, Inc.
17. The undersigned declares that a diligent effort was made to obtain a signed combined Declaration and Power of Attorney for the present Application from Messrs. Kapolka, Chang, Crull, Ditchfield, and Carl. The facts proving this effort are as follows:
  - a. On August 9, 2004, I sent to Mr. Kapolka via express courier to his last known address a package containing a copy of the present Application, a combined Declaration and Power of Attorney, and Assignment. Also included in the package was a cover letter with instructions and a request to execute and return the documents. Copies of the express courier delivery receipts along with the cover letters of the mailings are attached hereto as Exhibit H.
  - b. During a conversation on May 20, 2003 regarding the parent Application and other cases related to the present Application, Mr. Kapolka mentioned to me that he would not continue to sign paperwork for NNT, Inc. because he (i) no longer works for NEXIQ Technologies, Inc. or WPI Micro Processor Systems, Inc., and (ii) he has already assigned to WPI Micro Processor Systems, Inc. and/or NEXIQ Technologies, Inc. all his right, title and interest in this and other inventions. Mr. Kapolka made such statements despite previously agreeing to the contrary in the assignment and agreement shown in Exhibits B and D.



- c. Mr. Kapolka has accepted the mailings. Yet, to date, Mr. Kapolka has not executed and returned this paperwork to MBHB or NNT, Inc.
- d. On August 9, 2004, I sent to Mr. Chang via express courier to his last known address a package containing a copy of the present Application, a combined Declaration and Power of Attorney, and Assignment. Also included in the package was a cover letter with instructions and a request to execute and return the documents. Copies of the express courier delivery receipts along with the cover letters of the mailings are attached hereto in Exhibit H.
- e. Mr. Chang has previously indicated that he would not execute any paperwork for NNT, Inc. The fact supporting this are:
  - i. I telephoned Mr. Chang on April 9, 2003, May 20, 2003, July 25, 2003, August 20, 2003, and again on August 21, 2003 to attempt to get him to execute a Declaration and Power of Attorney and Assignment for United States Patent Application No. 10/358,637.
  - ii. On the first call, there was no answer on after at least 10 rings.
  - iii. On the second call, I spoke with someone (female) at the residence and requested Mr. Chang to return the call. Mr. Chang did not return the call.
  - iv. On the third call, I actually spoke with Mr. Chang. Mr. Chang said to me that he would not sign any papers for any application for NNT, Inc, despite agreeing to the contrary in the assignment and agreement shown in Exhibit B and D.
  - v. On Wednesday, August 20, 2003, and on Thursday, August 21, 2003, before preparing this petition, I again telephoned Mr. Chang's home and left messages requesting that Mr. Chang return my calls to confirm that he would not sign the paperwork. Mr. Chang has not returned my telephone calls, and those answering the phone at his residence gave unresponsive answers when asked when Mr. Chang will be available to discuss these matters.



- vi. On several other occasions, I sent to Mr. Chang similar packages for U.S. Patent Applications, including serial Nos. 10/823,271, 10/853,700, and 10/344,976, and Mr. Chang has refused the packages causing the courier to return the packages to MBHB.
- f. Like the other applications, Mr. Chang has not signed and returned to MBHB or NNT, Inc. the combined Declaration and Power of Attorney or any other paperwork for the present Application.
- g. On August 9, 2004, I sent to Mr. Crull via express courier to his last known address a package containing a copy of the present Application, a combined Declaration and Power of Attorney, and Assignment. Also included in the package was a cover letter with instructions and a request to execute and return the documents. Copies of the express courier delivery receipts along with the cover letters of the mailings are attached hereto in Exhibit H.
- h. To date, Mr. Crull has not signed and returned to MBHB or NNT, Inc. the combined Declaration and Power of Attorney or any other paperwork for the present Application.
- i. On August 9, 2004, I sent to Mr. Ditchfield via express courier to his last known address a package containing a copy of the present Application, a combined Declaration and Power of Attorney, and Assignment. Also included in the package was a cover letter with instructions and a request to execute and return the documents. Copies of the express courier delivery receipts along with the cover letters of the mailings are attached hereto in Exhibit H.
- j. Mr. Ditchfield has previously indicated that he would not execute any paperwork for NNT, Inc. The fact supporting this are:
  - i. On September 2, 2003, I telephoned the home of Mr. Ditchfield and left a message requesting that he return my calls to confirm that he would sign paperwork for U.S. Patent Application Serial No 10/344,976. Mr. Ditchfield has not returned the call.





- k. Mr. Ditchfield has accepted each of the mailings. Yet, to date, Mr. Ditchfield has not executed and returned this paperwork to MBHB or NNT, Inc.
  - l. On August 9, 2004, I sent to Mr. Carl via express courier to his last known address a package containing a copy of the present Application and a combined Declaration and Power of Attorney and Assignment. Also included in the package was a cover letter with instructions and a request to execute and return the documents. Copies of the express courier delivery receipts along with the cover letters of the mailings are attached hereto in Exhibit H.
  - m. Mr. Carl has accepted each of the mailings. Yet, to date, Mr. Carl has not executed and returned this paperwork to MBHB or NNT, Inc.
18. Since Messrs. Kapolka, Chang, Crull, Ditchfield, and Carl have not signed and returned the combined Declaration and Power of Attorney, the combined Declaration and Power of Attorney shown in Exhibit G includes empty signature blocks for Messrs. Kapolka, Chang, Crull, Ditchfield, and Carl. The Applicants believe that this satisfies the requirement of 37 C.F.R. § 1.47(a) that all the available joint inventors must (1) make oath or declaration on their own behalf as required by 37 CFR §§ 1.63 or 1.175 and (2) make oath or declaration on behalf of the nonsigning joint inventor as required by 37 CFR § 1.64. See M.P.E.P. § 409.03(a)(A), which states "An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated."
19. NNT, Inc. will suffer irreparable harm if not allowed to apply for a patent for the above-listed Application because that the United States Patent and Trademark Office will otherwise hold the present Application abandoned without an executed Oath or Declaration.
20. I hereby declare that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made under penalty of perjury and that such willful false statements may jeopardize the validity of



the specification or any patent issued thereon, and that this affidavit was executed on the 26<sup>th</sup> day of November 2003 in Chicago, Illinois, United States of America.

21. Pursuant to 37 C.F.R. §§ 1.47(a) and 1.17(h), the Applicants hereby authorize the payment of the petition fee of \$130 from our Deposit Account 13-2490.

Respectfully submitted

**McDONNELL BOEHNEN  
HULBERT & BERGHOFF LLP**

Date: November 26, 2004

By: /JulianFSantos/  
Julian F. Santos  
Reg. No. 47,917



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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Alexandria, Virginia 22313-1150  
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| APPL NO.   | FILING OR 371<br>(c) DATE | ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO       | DRAWINGS | TOT CLMS | IND CLMS |
|------------|---------------------------|----------|---------------|-----------------------|----------|----------|----------|
| 10/823,804 | 04/12/2004                | 3683     | 1112          | 03-078-A1<br>03089-01 | 12       | 39       | 3        |

CONFIRMATION NO. 5191

020306

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP  
300 S. WACKER DRIVE  
32ND FLOOR  
CHICAGO, IL 60606

## FILING RECEIPT



\*OC000000013068579\*

**DOCKETED**

JUN 29 2004

DUE DATE: 7/12/04 <sup>IDS</sup> <sup>foreign filing</sup> 4/12/05  
BY: MS

Date Mailed: 06/25/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Michael Kapolka, Sterling Heights, MI;  
Sam Chang, West Bloomfield, MI;  
Andrew Smith, Cedar Rapids, IA;  
Brian Crull, Oak Park, MI;  
Dennis Essenmacher, Royal Oak, MI;  
Andrew Ditchfield, New Hudson, MI;  
William Bromley, Lapeer, MI;  
Brian Carl, Rochester Hills, MI;  
Gregory A. Dils, Tiffin, IA;  
Machlab El-Hajj, Coralville, IA;  
Greg Kelsey, Cedar Rapids, IA;  
Mark Brown, Iowa City, IA;  
Nik Neymeyer, Mechanicsville, IA;

## Assignment For Published Patent Application

NNT, Inc., Sterling Heights, MI;

## Domestic Priority data as claimed by applicant

This application is a CIP of 10/091,096 03/04/2002  
which claims benefit of 60/351,165 01/23/2002  
and is a CIP of 09/640,785 08/18/2000  
This application 10/823,804  
claims benefit of 60/462,561 04/11/2003  
and claims benefit of 60/462,583 04/11/2003  
and claims benefit of 60/462,582 04/11/2003



## UNITED STATES PATENT AND TRADEMARK OFFICE

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300 S. WACKER DRIVE  
32ND FLOOR  
CHICAGO, IL 60606

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\*OC000000013068579\*

**DOCKETED**

JUN 29 2004

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BY: MS

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## Applicant(s)

Michael Kapolka, Sterling Heights, MI;  
Sam Chang, West Bloomfield, MI;  
Andrew Smith, Cedar Rapids, IA;  
Brian Crull, Oak Park, MI;  
Dennis Essenmacher, Royal Oak, MI;  
Andrew Ditchfield, New Hudson, MI;  
William Bromley, Lapeer, MI;  
Brian Carl, Rochester Hills, MI;  
Gregory A. Dils, Tiffin, IA;  
Machlab El-Hajj, Coralville, IA;  
Greg Keisey, Cedar Rapids, IA;  
Mark Brown, Iowa City, IA;  
Nik Neymeyer, Mechanicsville, IA;

## Assignment For Published Patent Application

NNT, Inc., Sterling Heights, MI;

## Domestic Priority data as claimed by applicant

This application is a CIP of 10/091,096 03/04/2002  
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and is a CIP of 09/640,785 08/18/2000  
This application 10/823,804  
claims benefit of 60/462,561 04/11/2003  
and claims benefit of 60/462,583 04/11/2003  
and claims benefit of 60/462,582 04/11/2003

**Foreign Applications**

**If Required, Foreign Filing License Granted:** 06/22/2004

**Projected Publication Date:** To Be Determined - pending completion of Missing Parts

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Wireless communication framework

**Preliminary Class**

701

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



Attorney Docket No. 65855-0059

## ASSIGNMENT AND AGREEMENT

FOR VALUE RECEIVED, we, Michael Kapolka of Sterling Heights, MI, citizenship U.S.A.; Sam Chang of West Bloomfield, MI, citizenship U.S.A.; Brian Crull of Clarkston, MI, citizenship U.S.A.; Andrew Ditchfield of New Hudson, MI, citizenship U.S.A.; and William Bromley of Lapeer, MI, citizenship U.S.A., respectively, hereby sell, assign and transfer to WPI Micro Processor Systems, Inc., 6405 Nineteen Mile Road, Sterling Heights, MI 48314 as assignee, and its successors, assigns and legal representatives, the entire right, title and interest, for all countries in and to certain inventions relating to

### REMOTE MONITORING, CONFIGURING, PROGRAMMING AND DIAGNOSTIC SYSTEM AND METHOD FOR VEHICLES AND VEHICLE COMPONENTS

described in an application for Letters Patent of the United States,

\_\_\_\_\_ filed herewith,  
XXX filed as U.S. Serial No. 10/091,096 on 03/04/2002

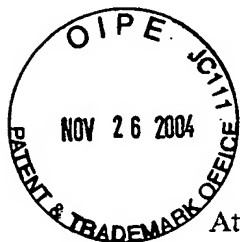
and all the rights and privileges under any and all Letters Patent that may be granted therefor.

We request that any and all patents for said inventions be issued to said assignee, its successors, assigns and legal representatives, or to such nominees as it may designate.

We agree that, when requested, we will, without charge to said assignee but at its expense, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for securing and maintaining patents for said inventions in any and all countries and for vesting title thereto in said assignee, its successors, assigns and legal representatives or nominees.

We authorize and empower said assignee, its successors, assigns and legal representatives or nominees, to invoke and claim for any application for patent or other form of protection for said inventions filed by it or them, the benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by any convention which may henceforth be substituted for it, and to invoke and claim such right of priority without further written or oral authorization from us.

We hereby consent that a copy of this assignment shall be deemed a full legal and formal equivalent of any assignment, consent to file or like document which may be required in any country for any purpose and more particularly in proof of the right of the said assignee or nominee to claim the aforesaid benefit of the right of priority provided by the International Convention for

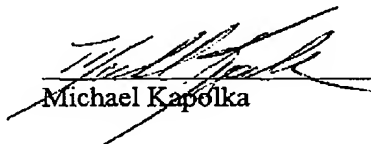


Attorney Docket No. 65855-0059

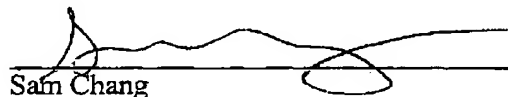
the Protection of Industrial Property, as amended, or by any convention which may henceforth be substituted for it.

We covenant with said assignee, its successors, assigns and legal representatives, that the rights and property herein conveyed are free and clear of any encumbrance, and that we have full right to convey the same as herein expressed.

Signed at Stirling Heights, Me this 11th day of March, 2002.

  
Michael Kapolka

Signed at Stirling Heights this 8 day of May, 2002.

  
Sam Chang

Signed at Clarkston, Me this 28th day of March, 2002.

  
Brian Crull



Attorney Docket No. 65855-0059

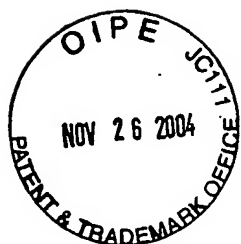
Signed at New Hudson, MT this 8<sup>th</sup> day of  
April, 2002.

Andrew Ditchfield  
Andrew Ditchfield

Signed at Spokane, WA this 14<sup>th</sup> day of  
April, 2002.

William R. Bromley  
William Bromley





Practitioner's Docket No. 65855-0059

COPY OF PAPERS  
ORIGINALLY FILED

PATENT



**COMBINED DECLARATION AND POWER OF ATTORNEY**

ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
CONTINUATION, OR C-I-P)

As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is for an original application.

**INVENTORSHIP IDENTIFICATION**

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

REMOTE MONITORING, CONFIGURING, PROGRAMMING AND DIAGNOSTIC SYSTEM  
AND METHOD FOR VEHICLES AND VEHICLE COMPONENTS

**SPECIFICATION IDENTIFICATION**

The specification is attached hereto.

**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56.

**POWER OF ATTORNEY**

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Anna M. Shih

Registration Number 36,372



I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.



SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO:

Anna M. Shih  
(248) 594-0645

Anna M. Shih  
Rader, Fishman & Grauer, PLLC  
39533 Woodward  
Suite 140  
Bloomfield Hills, MI 48304

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Michael Kapolka

Inventor's signature

Date 04/09/02 Country of Citizenship U.S.A.

Residence: Sterling Heights, MI

Post Office Address 4858 Sunderland Dr.  
Sterling Heights, MI 48314

Sam Chang

Inventor's signature

Date 04/09/02 Country of Citizenship U.S.A.

Residence: West Bloomfield, MI

Post Office Address 6926 Alden Dr.  
West Bloomfield, MI 48324

Brian Crull

Inventor's signature

Date 04/28/02 Country of Citizenship U.S.A.

Residence: Clarkston, MI

Post Office Address 5514 Oak Park Dr.  
Clarkston, MI 48346



Andrew Ditchfield

Inventor's signature

Date 5-5-02

*Andrew Ditchfield*

Country of Citizenship U.S.A.

Residence: New Hudson, MI

Post Office Address 29361 Tonester  
New Hudson, MI 48165

William Bromley

Inventor's signature

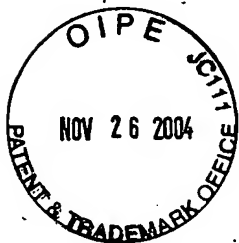
Date 4-4-02

*William B. Bromley*

Country of Citizenship U.S.A.

Residence: Lapeer, MI

Post Office Address 4065 Thornapple Lane  
Lapeer, MI 48446



## ASSIGNMENT

In consideration of the sum of One Dollar (\$1.00) or equivalent and other good and valuable consideration paid to each of the undersigned inventors: (1) William Bromley; (2) Brian R. Carl; (3) Sam Chang; (4) Brian Crull; (5) Andrew Ditchfield; (6) Dennis Essenmacher; (7) Michael Kapolka, the undersigned inventors hereby sell and assign to **NEXIO Technologies, Inc.** (the Assignee) his/her entire right, title and interest, including the right to sue for past infringement and to collect for all past, present and future damages:

check applicable box(es) ☒ for the United States of America (as defined in 35 U.S.C. § 100),  
☒ and throughout the world.

(a) in the invention(s) known as **System, Method and Computer Program Product for Remote Vehicle Diagnostics, Monitoring, Configuring and Reprogramming** for which application(s) for patent in the United States of America has (have) been executed by the undersigned on (1) 09/10/00 (2) 02/10/01 (3) 02/10/01 (4) 02/10/01 (5) 02/10/01 (6) 02/10/01 (7) 02/10/01 (also known as United States Application No. 09/640,785, filed 8/18/2000), in any and all applications thereon, in any and all Letters Patent(s) therefor, and

(b) in any and all applications that claim the benefit of the patent application listed above in part (a), including continuing applications, reissues, extensions, renewals and reexaminations of the patent application or Letters Patent therefor listed above in part (a), to the full extent of the term or terms for which Letters Patents issue, and

(c) in any and all inventions described in the patent application listed above in part (a), and in any and all forms of intellectual and industrial property protection derivable from such patent application, and that are derivable from any and all continuing applications, reissues, extensions, renewals and reexaminations of such patent application, including, without limitation, patents, applications, utility models, inventor's certificates, and designs together with the right to file applications therefor; and including the right to claim the same priority rights from any previously filed applications under the International Agreement for the Protection of Industrial Property, or any other international agreement, or the domestic laws of the country in which any such application is filed, as may be applicable;

all such rights, title and interest to be held and enjoyed by the above-named Assignee, its successors, legal representatives and assigns to the same extent as all such rights, title and interest would have been held and enjoyed by the Assignor had this assignment and sale not been made.

The undersigned inventor(s) agree(s) to execute all papers necessary in connection with the application(s) and any continuing (continuation, divisional, or continuation-in-part), reissue, reexamination or corresponding application(s) thereof and also to execute separate assignments in connection with such application(s) as the Assignee may deem necessary or expedient.

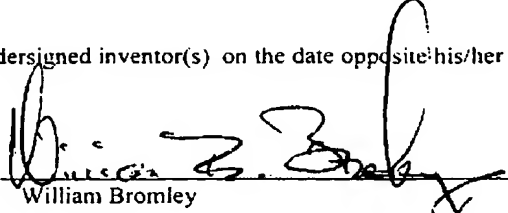
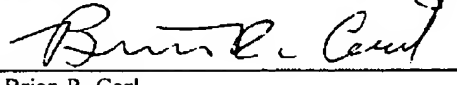
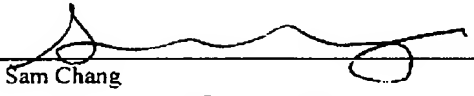


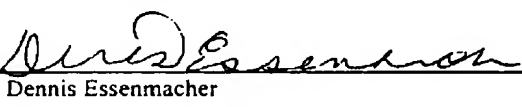
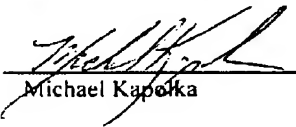
The undersigned inventor(s) agree(s) to execute all papers necessary in connection with any interference or patent enforcement action (judicial or otherwise) related to the application(s) or any continuing (continuation, divisional, or continuation-in-part), reissue or reexamination application(s) thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference or patent enforcement action.

The undersigned inventor(s) hereby represent(s) that he/she has full right to convey the entire interest



G. Durkin, Esquire, Registration No. 32,831; Michele A. Cimbala, Esquire, Registration No. 33,851; Michael B. Ray, Esquire, Registration No. 33,997; Robert E. Sokohl, Esquire, Registration No. 36,013; Eric K. Steffe, Esquire, Registration No. 36,688; Michael Q. Lee, Esquire, Registration No. 35,239; Steven R. Ludwig, Esquire, Registration No. 36,203; John M. Covert, Esquire, Registration No. 38,759; and Linda E. Alcorn, Esquire, Registration No. 39,588; all of STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C., 1100 New York Avenue, N.W., Suite 600, Washington, D.C. 20005-3934, power to insert in this assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN WITNESS WHEREOF, executed by the undersigned inventor(s) on the date opposite his/her name.

|                             |  |
|-----------------------------|--|
| Date: <u>2/26/01</u>        | Signature of Inventor: <u></u><br>William Bromley      |
| Date: <u>2/7/01</u>         | Signature of Inventor: <u></u><br>Brian R. Carl        |
| Date: <u>2/7/01</u>         | Signature of Inventor: <u></u><br>Sam Chang            |
| Date: <u>2/8/01</u>         | Signature of Inventor: <u></u><br>Brian Crull         |
| Date: <u>2/9/01</u>         | Signature of Inventor: <u></u><br>Andrew Ditchfield  |
| Date: <u>FEB., 07, 2001</u> | Signature of Inventor: <u></u><br>Dennis Essenmacher |
| Date: <u>FEB 16, 2001</u>   | Signature of Inventor: <u></u><br>Michael Kapelka    |

A (11/26/04) assignment vpt



## Declaration for Patent Application

Docket Number: 1357.0010000



As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter that is claimed and for which a patent is sought on the invention entitled System, Method and Computer Program Product for Remote Vehicle Diagnostics, Monitoring, Configuring and Reprogramming, the specification of which is attached hereto unless the following box is checked:

- ☒ was filed on August 18, 2000;  
as United States Application Number or PCT International Application Number 09/640,785; and  
was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

(Application No.)

(Country)

(Day/Month/Year Filed)

☐ Yes ☐ No

(Application No.)

(Country)

(Day/Month/Year Filed)

☐ Yes ☐ No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

(Application No.)

(Filing Date)

(Application No.)

(Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

(Application No.)

(Filing Date)

(Status - patented, pending, abandoned)

(Application No.)

(Filing Date)

(Status - patented, pending, abandoned)



Appl. No. 09/640,785  
Docket No. 1957.0010000

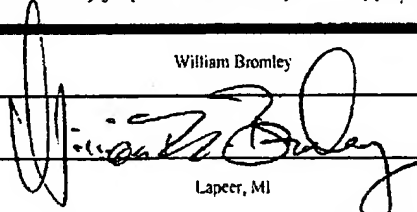
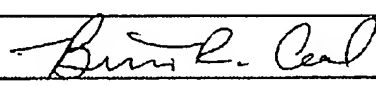
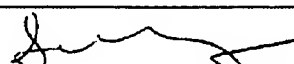
Send Correspondence to:

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 New York Avenue, N.W.  
Suite 600  
Washington, D.C. 20005-3934

Direct Telephone Calls to:

(202) 371-2600

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

|                                     |   |              |
|-------------------------------------|---|--------------|
| Full name of sole or first inventor | William Bromley   |              |
| Signature of sole or first inventor |   | Date 2-26-01 |
| Residence                           | Lapeer, MI  |              |
| Citizenship                         | United States   |              |
| Mailing Address                     | 4065 Thornapple Lane<br>Lapeer, MI 48446  |              |
| Full name of second inventor        | Brian R. Carl   |              |
| Signature of second inventor        |  | Date 2/7/01  |
| Residence                           | Rochester Hills, MI   |              |
| Citizenship                         | United States   |              |
| Mailing Address                     | 226 Longford<br>Rochester Hills, MI 48309   |              |
| Full name of third inventor         | Sani Chang  |              |
| Signature of third inventor         |  | Date 2/7/01  |
| Residence                           | West Bloomfield, MI   |              |
| Citizenship                         | United States   |              |
| Mailing Address                     | 6929 Alden Drive<br>West Bloomfield, MI 48324                                       |              |





Appl. No. 09/640,785  
Docket No. 1957.0010000

|                               |   |                        |
|-------------------------------|---|------------------------|
| Full name of fourth inventor  | Brian Crull                                   |                        |
| Signature of fourth inventor  | <i>Brian Crull</i>                            | Date <i>2/8/01</i>     |
| Residence                     | Clarkston, MI                                 |                        |
| Citizenship                   | United States                                 |                        |
| Mailing Address               | 5514 Oak Park Drive<br>Clarkston, MI 48346    |                        |
|                               |   |                        |
| Full name of fifth inventor   | Andrew Ditchfield                             |                        |
| Signature of fifth inventor   | <i>Andrew Ditchfield</i>                      | Date <i>2-9-01</i>     |
| Residence                     | New Hudson, MI                                |                        |
| Citizenship                   | United States                                 |                        |
| Mailing Address               | 29361 Tonester<br>New Hudson, MI 48165        |                        |
|                               |   |                        |
| Full name of sixth inventor   | Dennis Essensmeyer                            |                        |
| Signature of sixth inventor   | <i>Dennis Essensmeyer</i>                     | Date <i>02/07/2001</i> |
| Residence                     | Royal Oak, MI                                 |                        |
| Citizenship                   | United States                                 |                        |
| Mailing Address               | 4712 Briarwood<br>Royal Oak, MI 48073         |                        |
|                               |   |                        |
| Full name of seventh inventor | Michael Kapolka                               |                        |
| Signature of seventh inventor | <i>Michael Kapolka</i>                        | Date <i>02/07/2001</i> |
| Residence                     | Sterling Heights, MI                          |                        |
| Citizenship                   | United States                                 |                        |
| Mailing Address               | 4858 Sunderland<br>Sterling Heights, MI 48314 |                        |
|                               |   |                        |



## ASSIGNMENT

ASSIGNMENT made this 20<sup>th</sup> day of December, 2002, by WPI MICRO PROCESSOR SYSTEMS, INC., a New Hampshire corporation (the "ASSIGNOR"), to NNT, INC., a Wisconsin corporation (the "ASSIGNEE").

In consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration, ASSIGNOR hereby sells, assigns and transfers to ASSIGNEE and its successors and assigns the entire right, title and interest for the United States and its territorial possessions and in all foreign countries, including all rights to claim priority, in and to any and all improvements which are disclosed in the invention entitled:

### **REMOTE MONITORING, CONFIGURING, PROGRAMMING AND DIAGNOSTIC SYSTEM AND METHOD FOR VEHICLES AND VEHICLE COMPONENTS**

and which is found in pending U.S. Patent Application Serial No. 10/091,096, filed on March 4, 2002, and any legal equivalent thereof in a foreign country, including the right to claim priority, and, in and to, all Letters Patent to be obtained for said invention by the above applications or any continuations, continuations-in-part, divisionals, renewals, or substitutes thereof, and as to letters patent any reissues, re-examinations, or extensions thereof, including all rights of action in relation to any infringement of the Patent by third parties at or prior to the date hereof, to be held and enjoyed by ASSIGNEE for its own use as fully and entirely as to same would have been held and enjoyed by ASSIGNOR had this Assignment not been made.

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment.

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

[Signature page follows]



ASSIGNOR:  
WPI MICRO PROCESSOR SYSTEMS, INC.

By: Kevin F. Kelly  
Kevin F. Kelly, President

ACCEPTED AND AGREED TO:

NNT, INC.

By: Thomas J. Ward  
(signature)

Thomas J. Ward, President  
(typed or printed name of person signing) (title)

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## ASSIGNMENT

ASSIGNMENT made this 20<sup>th</sup> day of December, 2002, by NEXIQ TECHNOLOGIES, INC., a New Hampshire corporation (the "ASSIGNOR"), to NNT, INC., a Wisconsin corporation (the "ASSIGNEE").

WHEREAS, WPI MICRO PROCESSOR SYSTEMS, INC., its parent, NEXIQ TECHNOLOGIES, INC. ("NEXIQ"), and another NEXIQ subsidiary, DIVERSIFIED SOFTWARE INDUSTRIES, INC., filed chapter 11 petitions on October 11, 2002 (the "Petition Date") commencing Case Nos. 02-63996, 02-63994, and 02-63998 (the "Chapter 11 Cases") before the United States Bankruptcy Court for the Eastern District of Michigan, Hon. Walter Shapero, (the "Bankruptcy Court")

In consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration, ASSIGNOR hereby sells, assigns and transfers to ASSIGNEE and its successors and assigns the entire right, title and interest for the United States and its territorial possessions and in all foreign countries, including all rights to claim priority, in and to any and all improvements which are disclosed in the invention entitled:

### **SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR REMOTE VEHICLE DIAGNOSTICS, MONITORING, CONFIGURING AND REPROGRAMMING**

and which is found in pending U.S. Patent Application Serial No. 09/640,785, filed on August 18, 2000, and any legal equivalent thereof in a foreign country, including the right to claim priority, and, in and to, all Letters Patent to be obtained for said invention by the above applications or any continuations, continuations-in-part, divisionals, renewals, or substitutes thereof, and as to letters patent any reissues, re-examinations, or extensions thereof, including all rights of action in relation to any infringement of the Patent by third parties at or prior to the date hereof, to be held and enjoyed by ASSIGNEE for its own use as fully and entirely as to same would have been held and enjoyed by ASSIGNOR had this Assignment not been made.

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment.

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

[Signature page follows]



ASSIGNOR:

NEXIQ TECHNOLOGIES, INC.

By: Kevin F. Kelly  
Kevin F. Kelly, Vice President and  
Chief Financial Officer

ACCEPTED AND AGREED TO:

NNT, INC.

By: Thomas J. Ward  
(signature)

Thomas J. Ward President  
(typed or printed name of person signing) (title)

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Page 2 of 2



Case No.: 03-089-01

### DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

#### SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR REMOTE VEHICLE DIAGNOSTICS, TELEMATICS, MONITORING, CONFIGURING, AND REPROGRAMMING

the specification of which is attached hereto unless the following space is checked:

☒ was filed on April 12, 2004 as United States Application Serial Number 10/823,804.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

|    | <u>Application Number</u> | <u>Filing Date</u> |
|----|---------------------------|--------------------|
| 1. | 60/462561                 | 4/11/2003          |

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

|    | <u>Application Number</u> | <u>Filing Date</u> | <u>Status: patented, pending, abandoned</u> |
|----|---------------------------|--------------------|---|
| 1. | 10/091,096                | 03/04/2002         | pending                                     |

I hereby appoint the practitioners associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and I direct that all correspondence be addressed to that Customer Number.

Customer Number: 020306  
Principal attorney or agent: Julian F. Santos  
Telephone number: 312-913-0001

- 1 -



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Michael Kapolka

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence: 4858 Sunderland Drive, Sterling Heights, Michigan 48314  
Citizenship: United States  
Post Office Address: 4858 Sunderland Drive, Sterling Heights, Michigan 48314

Full name of second inventor: Sam Chang

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence: 6926 Alden Drive, West Bloomfield, Michigan 48329  
Citizenship: United States  
Post Office Address: 6926 Alden Drive, West Bloomfield, Michigan 48329

Full name of third inventor: Andrew Smith

Inventor's signature: AS Date: 8/12/04  
Residence: 117 Crandall Court NE, Cedar Rapids, Iowa 52402  
Citizenship: ~~United States~~ AUSTRALIA  
Post Office Address: 117 Crandall Court NE, Cedar Rapids, Iowa 52402

Full name of fourth inventor: Brian Crull

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence: 5514 Oak Park Drive, Clarkston, Michigan 48346  
Citizenship: United States  
Post Office Address: 5514 Oak Park Drive, Clarkston, Michigan 48346

Full name of fifth inventor: Dennis Essennmacher

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence: 4712 Briarwood, Royal Oak, Michigan 48073  
Citizenship: United States  
Post Office Address: 4712 Briarwood, Royal Oak, Michigan 48073

- 2 -



Full name of sixth inventor: Andrew Ditchfield

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence: 29361 Tonester Circle, New Hudson, Michigan 48165  
Citizenship: United States  
Post Office Address: 29361 Tonester Circle, New Hudson, Michigan 48165

Full name of seventh inventor: William Bromley

Inventor's signature: William Bromley Date: 8.19.04  
Residence: 4065 Thornapple Lane, Lapeer, Michigan 48446  
Citizenship: United States  
Post Office Address: 4065 Thornapple Lane, Lapeer, Michigan 48446

Full name of eighth inventor: Brian Carl

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence: 226 Longford Drive, Rochester Hills, Michigan 48309  
Citizenship: United States  
Post Office Address: 226 Longford Drive, Rochester Hills, Michigan 48309

Full name of ninth inventor: Gregory A. Dils

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence: 352 Oriole Court, Tiffin, Iowa 52340  
Citizenship: United States  
Post Office Address: 352 Oriole Court, Tiffin, Iowa 52340

Full name of tenth inventor: Hassanayn Machlab El-Hajj

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence: 2680 Glen Hollow Court, Coralville, Iowa 52241  
Citizenship: United States  
Post Office Address: 2680 Glen Hollow Court, Coralville, Iowa 52241

Full name of eleventh inventor: Greg Kelsey

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence: 3721 Banar Drive SW, Cedar Rapids, Iowa 52404  
Citizenship: United States  
Post Office Address: 3721 Banar Drive SW, Cedar Rapids, Iowa 52404





Full name of sixth inventor: Andrew Ditchfield

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence: 29361 Tonester Circle, New Hudson, Michigan 48165  
Citizenship: United States  
Post Office Address: 29361 Tonester Circle, New Hudson, Michigan 48165

Full name of seventh inventor: William Bromley

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence: 4065 Thornapple Lane, Lapeer, Michigan 48446  
Citizenship: United States  
Post Office Address: 4065 Thornapple Lane, Lapeer, Michigan 48446

Full name of eighth inventor: Brian Carl

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence: 226 Longford Drive, Rochester Hills, Michigan 48309  
Citizenship: United States  
Post Office Address: 226 Longford Drive, Rochester Hills, Michigan 48309

Full name of ninth inventor: Gregory A. Dils

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence: 352 Oriole Court, Tiffin, Iowa 52340  
Citizenship: United States  
Post Office Address: 352 Oriole Court, Tiffin, Iowa 52340

Full name of tenth inventor: Hassanayn Machlab El-Hajj

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence: 2680 Glen Hollow Court, Coralville, Iowa 52241  
Citizenship: United States  
Post Office Address: 2680 Glen Hollow Court, Coralville, Iowa 52241

Full name of eleventh inventor: Gregory T. Kelsey  
Greg Kelsey

Inventor's signature: *Gregory T. Kelsey* Date: *8/10/04*  
Residence: 3721 Banar Drive SW, Cedar Rapids, Iowa 52404  
Citizenship: United States  
Post Office Address: 3721 Banar Drive SW, Cedar Rapids, Iowa 52404

- 3 -

MCDONNELL BOEHLEN  
HULBERT & BERGHOFF LLP  
300 SOUTH WACKER DRIVE  
CHICAGO, ILLINOIS 60606  
TELEPHONE (312) 913-0001





Full name of sixth inventor: Andrew Ditchfield

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence: 29361 Tonester Circle, New Hudson, Michigan 48165  
Citizenship: United States  
Post Office Address: 29361 Tonester Circle, New Hudson, Michigan 48165

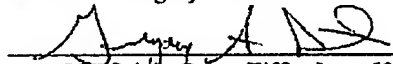
Full name of seventh inventor: William Bromley

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence: 4065 Thornapple Lane, Lapeer, Michigan 48446  
Citizenship: United States  
Post Office Address: 4065 Thornapple Lane, Lapeer, Michigan 48446

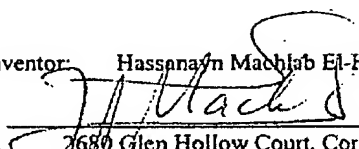
Full name of eighth inventor: Brian Carl

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence: 226 Longford Drive, Rochester Hills, Michigan 48309  
Citizenship: United States  
Post Office Address: 226 Longford Drive, Rochester Hills, Michigan 48309

Full name of ninth inventor: Gregory A. Dils

Inventor's signature:  Date: 8/12/04  
Residence: 352 Oriole Court, Tiffin, Iowa 52340  
Citizenship: United States  
Post Office Address: 352 Oriole Court, Tiffin, Iowa 52340

Full name of tenth inventor: Hassanayn Makhlab El-Hajj

Inventor's signature:  Date: 8/12/04  
Residence: 2680 Glen Hollow Court, Coralville, Iowa 52241  
Citizenship: United States SPAIN  
Post Office Address: 2680 Glen Hollow Court, Coralville, Iowa 52241

Full name of eleventh inventor: Greg Kelsey

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence: 3721 Banar Drive SW, Cedar Rapids, Iowa 52404  
Citizenship: United States  
Post Office Address: 3721 Banar Drive SW, Cedar Rapids, Iowa 52404



Full name of twelfth inventor: Mark Brown

Inventor's signature: Mark S. Brown  
Residence: 1914 Bristol Drive, Iowa City, Iowa 52245  
Citizenship: United States  
Post Office Address: 1914 Bristol Drive, Iowa City, Iowa 52245

Date: 8/12/04

Full name of twelfth inventor: Nik Neymeyer

Inventor's signature: Nik Neymeyer  
Residence: ~~107 West Reader Street, P.O. Box 307, Mechanicsville, Iowa 52306~~  
Citizenship: United States  
Post Office Address: ~~107 West Reader Street, P.O. Box 307, Mechanicsville, Iowa 52306~~  
1155 Longview Drive, Marion, IA 52302

Date: 8/12/04



McDonnell Boehnen Hulbert & Berghoff LLP

300 South Wacker Drive 312 913 0001 phone  
Chicago, Illinois 60606-6709 312 913 0002 fax  
www.mbhb.com

August 9, 2004

Mr. Michael Kapolka  
4858 Sunderland Drive  
Sterling Heights, Michigan 48314

**Confidential & Privileged  
Attorney-Client Privilege**

Re: Title: System, Method and Computer Program Product for Remote Vehicle  
Diagnostics, Telematic, Monitoring, Configuring, and Reprogramming  
Country: US  
Application Serial Number: US10/823804A  
Filing Date: May 24, 2004  
Filing Type: Non-Provisional  
Publication No.: n/a  
Publication Date: n/a  
Associate: Julian F. Santos  
McDonnell Boehnen Hulbert & Berghoff LLP  
300 South Wacker Drive  
Chicago, IL 60606  
Issue Number: n/a  
Issued Date: n/a  
MBHB Case No.: 03-089-01  
Snap-On Invention No.: NNT-01872

Dear Mr. Kapolka:

With regard to the above referenced U.S. Patent Application, we enclose a copy of the application, a combined Declaration and Power of Attorney, and an Assignment. Please review the application, and then both sign and date the Declaration. If any of your personal information in the Declaration is incorrect (e.g., a postal address), please make the correction in permanent ink. Then initial and date the correction (in addition to signing and dating these papers where indicated).

The Assignment should be executed before a Notary Public or other authorized officer. Please note that notarization of an Assignment is not required. However, there are benefits to notarization and, therefore, we recommend it. Specifically, under U.S. law (35 U.S.C. § 261):



A certificate of acknowledgment under the hand and official seal of a person authorized to administer oaths within the United States, or, in a foreign country, of a diplomatic or consular officer of the United States or an officer authorized to administer oaths whose authority is proved by a certificate of a diplomatic or consular officer of the United States, or apostille of an official designated by a foreign country which, by treaty or convention, accords like effect to apostilles of designated officials in the United States, shall be prima facie evidence of the execution of an assignment, grant or conveyance of a patent or application for patent.

Witnessing is not sufficient to obtain the benefits of the statute; official apostille or notarization is required.

**Please return the Declaration and Power of Attorney by August 24, 2004. We will file the Declaration with the response to the Notice to File Missing Parts we received from the Patent and Trademark Office. We will also file the Assignment with the Patent Office for recordation.**

We remind you that under the U.S. Patent Laws, each person associated with the filing and prosecution of a patent application (including inventors and attorneys) has a duty of candor and good faith in dealing with the Office, including disclosing to the Patent Office all information of which the person is aware that may be considered by an Examiner to be "material" to patentability. We enclose an information sheet regarding this Duty of Disclosure, which should be read by those involved in the filing and prosecution of the application. As described, please provide us with copies of all publications and other information known to the inventors, attorneys, or anyone else involved in preparation and prosecution of the application that may be material to patentability. This includes the art cited in an international search report (ISR) as well as art cited by any patent office in a non-US counterpart application. We will then submit that information to the PTO in an Information Disclosure Statement.

Please note that non-English language documents will not be considered by the Patent Office. For non-English language publications, the Patent Office requires submission of either an English language translation or concise summary of the relevance of the document prepared by the person most knowledgeable of the document's subject matter. An abstract may be acceptable if it is equivalent to the concise summary. Please be aware, however, that case law indicates that satisfying the minimum technical requirements



of an Information Disclosure Statement is not a safe harbor against a charge of inequitable conduct. It is prudent, therefore, to prepare and file a full translation of non-English language publications to avoid any issues regarding whether the duty of disclosure was satisfied.

Should you have any questions, please do not hesitate to contact me.

Best regards,

Julian F. Santos  
312 913 3304  
santos@mbhb.com

Enclosures



## Duty of Disclosure

All those substantively involved in the prosecution of this patent application (including inventors and their attorneys and agents) are under an obligation to disclose to the United States Patent and Trademark Office any patents, publications, or other information known to be material to the patentability of the claimed invention. This obligation continues until the application becomes abandoned or issues as a patent; thus, information learned between filing of the application and abandonment or issuance must be disclosed as well.

Information is "material" if it is non-cumulative of information already of record and supports a position of unpatentability of the claimed invention or is contrary to a position taken by the applicant(s). Such information may include:

- (a) knowledge or use of the invention by others in the United States;
- (b) patents, co-pending U.S. applications, and other publications (worldwide) disclosing the invention or relating to the invention or to one or more elements of the invention; and
- (c) public use, sale, or offer for sale of the invention in the United States.

Accordingly, we request that you provide us with all such information, even if it is limited to publications cited in the application itself. Please consider that documents cited by the U.S. Patent and Trademark Office and/or corresponding foreign patent offices in related applications (including PCT applications) likely should be disclosed. We will then disclose the information to the Patent Office in the form of an Information Disclosure Statement ("IDS").

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McDonnell, Boehnen,  
Hulbert & Berghoff

DATE: Aug 15

CHARGE BACK AUTHORIZATION SLIP

|  |                                 |                                |
|--|---------------------------------|--------------------------------|
| 1. NAME OF THE REQUESTER:<br><u>Yolanda for Julian</u> | 2. EXTENSION:<br><u>2040</u>    | 3. DEPARTMENT:<br><u>304 F</u> |
| 4. CLIENT NUMBER:<br><u>579</u>                        | 5. MATTER NUMBER:<br><u>217</u> | 6. FIRM:<br><u>2040</u>        |
| 7. PERSONAL:<br>INITIALS:                              |                                 |                                |

8. MAILING INFORMATION:

|   |               |
|---|---------------|
| RECIPIENT'S NAME:<br><u>Michael Kapolka</u>         | PHONE NUMBER: |
| COMPANY NAME:<br><u>4858 Sunderland Drive</u>       |               |
| ADDRESS:<br><u>Sterling Heights, Michigan 48314</u> |               |
| CITY:   | STATE:        |
|   | ZIP CODE:     |

9. SERVICE (Please select ONLY ONE):

9A691X AUG 09, 2004 ACT WT 1.3 BPK 1  
SERVICE GNDCON BILL WT 2  
TRACKING# 129A691X0344289507  
CLIENT: 000579.00217  
REF 2: J. SANTOS

FedEx

HANDLING CHARGE \$0.05  
REFERENCE RATE CHARGES:  
IV \$0.00 COD \$0.00 SERVICE \$3.74  
DC \$0.00 HZMT \$0.00 RS \$0.00  
AH \$0.00 NTFY \$0.00 SD \$0.00  
TOT REF CHG \$3.74 REF+HANDLING \$3.79

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☐ U.S. POSTAL SERVICE PRIORITY (\$3.85 ff)  
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☐ U.S. POSTAL SERVICE CERTIFIED MAIL  
☐ U.S. POSTAL SERVICE REGISTERED MAIL  
☐ U.S. POSTAL SERVICE (Bulk Rate)

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MAIL

by of destination)

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☐ UPS 2nd Day Air (By 10:00 a.m. 2nd Business Day)

☒ UPS Ground (By 12:00 p.m. 3 to 5 business days)

☐ UPS International (Delivery Schedule varies according

United  
Parcel  
Service

10. SPECIAL INSTRUCTIONS:

X SIGNATURE REQUIRED

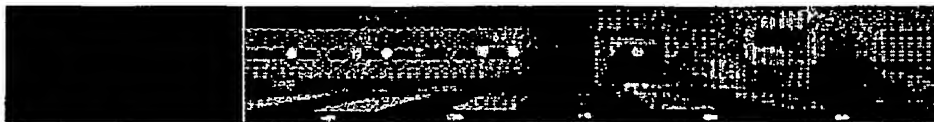
11. PROCESSED BY:

TOTAL AMOUNT: \$



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Page 1 of 1


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Delivered

**Delivered on:**

Aug 11, 2004 3:44 P.M.

**Location:**

PORCH

**Delivered to:**

STERLING HEIGHTS, MI, US

**Shipped or Billed on:**

Aug 9, 2004

**Tracking Number:**

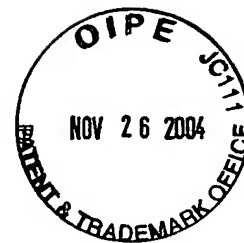
1Z 9A6 91X 03 4428 950 7

**Service Type:**

GROUND

**Weight:**

1.30 Lbs


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→ **Go to Tracking Number FAQ****Package Progress:****Date/Time****Location****Activity**

Aug 11, 2004

3:44 P.M.

MADISON HEIGHTS, MI, US

DELIVERY

8:09 A.M.

MADISON HEIGHTS, MI, US

OUT FOR DELIVERY

7:18 A.M.

MADISON HEIGHTS, MI, US

ARRIVAL SCAN

6:39 A.M.

LIVONIA, MI, US

DEPARTURE SCAN

Aug 10, 2004

7:58 P.M.

CHICAGO, IL, US

ORIGIN SCAN

Aug 9, 2004

7:02 P.M.

US

BILLING INFORMATION RECEIVED

5:49 P.M.

CHICAGO, IL, US

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8/25/2004



**McDonnell Boehnen Hulbert & Berghoff LLP**

300 South Wacker Drive 312 913 0001 phone  
Chicago, Illinois 60606-6709 312 913 0002 fax  
www.mbhb.com

August 9, 2004

Mr. Sam Chang  
6926 Alden Drive  
West Bloomfield, MI 48329

**Confidential & Privileged  
Attorney-Client Privilege**

Re: Title: System, Method and Computer Program Product for Remote Vehicle  
Diagnostics, Telematic, Monitoring, Configuring, and Reprogramming  
Country: US  
Application Serial Number: US10/823804A  
Filing Date: May 24, 2004  
Filing Type: Non-Provisional  
Publication No.: n/a  
Publication Date: n/a  
Associate: Julian F. Santos  
McDonnell Boehnen Hulbert & Berghoff LLP  
300 South Wacker Drive  
Chicago, IL 60606  
Issue Number: n/a  
Issued Date: n/a  
MBHB Case No.: 03-089-01  
Snap-On Invention No.: NNT-01872

Dear Mr. Chang:

With regard to the above referenced U.S. Patent Application, we enclose a copy of the application, a combined Declaration and Power of Attorney, and an Assignment. Please review the application, and then both sign and date the Declaration. If any of your personal information in the Declaration is incorrect (e.g., a postal address), please make the correction in permanent ink. Then initial and date the correction (in addition to signing and dating these papers where indicated).

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McDonnell Boehnen Hulbert & Berghoff LLP

2

August 9, 2004



of an Information Disclosure Statement is not a safe harbor against a charge of inequitable conduct. It is prudent, therefore, to prepare and file a full translation of non-English language publications to avoid any issues regarding whether the duty of disclosure was satisfied.

Should you have any questions, please do not hesitate to contact me.

Best regards,

Julian F. Santos  
312 913 3304  
santos@mbhb.com

Enclosures



## Duty of Disclosure

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- (a) knowledge or use of the invention by others in the United States;
- (b) patents, co-pending U.S. applications, and other publications (worldwide) disclosing the invention or relating to the invention or to one or more elements of the invention; and
- (c) public use, sale, or offer for sale of the invention in the United States.

Accordingly, we request that you provide us with all such information, even if it is limited to publications cited in the application itself. Please consider that documents cited by the U.S. Patent and Trademark Office and/or corresponding foreign patent offices in related applications (including PCT applications) likely should be disclosed. We will then disclose the information to the Patent Office in the form of an Information Disclosure Statement ("IDS").

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McDonnell, Boehnen,  
Huibert & Berghoff

DATE: August 9, 2004

CHARGE BACK AUTHORIZATION SLIP

|  |                          |  |
|--|--------------------------|--|
| 1. NAME OF THE REDQUESTER:<br>Yolanda for Julian | 2. EXTENSION:<br>2040    | 3. DEPARTMENT:<br>30 <sup>th</sup> Floor |
| 4. CLIENT NUMBER:<br>579                         | 5. MATTER NUMBER:<br>217 | 6. FIRM:<br>7. PERSONAL:<br>INITIALS:    |

8. MAILING INFORMATION:

|   |                  |
|---|------------------|
| RECIPIENT'S NAME:<br>Sam Chang              | PHONE NUMBER:    |
| COMPANY NAME:<br>6926 Alden Drive           |                  |
| ADDRESS:<br>West Bloomfield, Michigan 48329 |                  |
| CITY:                                       | STATE: ZIP CODE: |

9. SERVICE / Please select ONLY ONE:

5A691X AUG 09, 2004 ACT WT 1.3 RPK 1

SERVICE GNDOM BILL WT 2

TRACKING 129A691X0343127291

CLIENT: 000579.00217

REF 2: J. SANTOS

Fe

HANDLING CHARGE \$0.05 SERVICE \$3.74  
REFERENCE RATE CHARGES:  
IV \$0.00 COD \$0.00 RS \$0.00  
DC \$0.00 HZMT \$0.00 SD \$0.00  
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country of destination)

☐ UPS Next Day Air (By 10:00 a.m.)

☐ UPS 2nd Day Air (By 10:00 a.m. 2nd Business Day)

☒ UPS Ground (By 12:00 p.m. 3 to 5 business days)

☐ UPS International (Delivery Schedule varies according to country of destination)

hour

WO HOURS

4 HOURS

United

Parcel

Service

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11. PROCESSED BY:

TOTAL AMOUNT: \$

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Page 1 of 1



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## → Import Tracking Numbers

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## → Void a Shipment

## → Help



## Track by Tracking Number

## View Details

**Status:** Delivered  
**Delivered on:** Aug 11, 2004 2:30 P.M.  
**Location:** FRONT DOOR  
**Delivered to:** ORCHARD LAKE, MI, US  
**Shipped or Billed on:** Aug 9, 2004

**Tracking Number:** 1Z 9A6 91X 03 4312 729 1  
**Service Type:** GROUND  
**Weight:** 1.30 Lbs



## Package Progress:

| Date/Time              | Location        | Activity                     |
|------------------------|-----------------|------------------------------|
| Aug 11, 2004 2:30 P.M. | PONTIAC, MI, US | DELIVERY                     |
| 6:23 A.M.              | PONTIAC, MI, US | OUT FOR DELIVERY             |
| 3:39 A.M.              | PONTIAC, MI, US | ARRIVAL SCAN                 |
| Aug 10, 2004 6:27 P.M. | MAUMEE, OH, US  | DEPARTURE SCAN               |
| 9:49 A.M.              | MAUMEE, OH, US  | ARRIVAL SCAN                 |
| 12:26 A.M.             | CHICAGO, IL, US | DEPARTURE SCAN               |
| Aug 9, 2004 10:32 P.M. | CHICAGO, IL, US | ORIGIN SCAN                  |
| 7:02 P.M.              | US              | BILLING INFORMATION RECEIVED |
| 5:49 P.M.              | CHICAGO, IL, US | PICKUP SCAN                  |

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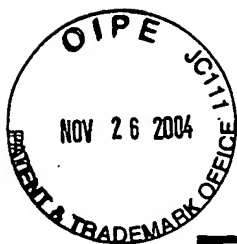
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8/25/2004





**McDonnell Boehnen Hulbert & Berghoff LLP**

300 South Wacker Drive 312 913 0001 phone  
Chicago, Illinois 60606-6709 312 913 0002 fax  
www.mbhb.com

August 9, 2004

Mr. Brian Crull  
5514 Oak Park Drive  
Clarkston, MI 48346

**Confidential & Privileged  
Attorney-Client Privilege**

Re: Title: System, Method and Computer Program Product for Remote Vehicle  
Diagnostics, Telematic, Monitoring, Configuring, and Reprogramming  
Country: US  
Application Serial Number: US10/823804A  
Filing Date: May 24, 2004  
Filing Type: Non-Provisional  
Publication No.: n/a  
Publication Date: n/a  
Associate: Julian F. Santos  
McDonnell Boehnen Hulbert & Berghoff LLP  
300 South Wacker Drive  
Chicago, IL 60606  
Issue Number: n/a  
Issued Date: n/a  
MBHB Case No.: 03-089-01  
Snap-On Invention No.: NNT-01872

Dear Mr. Crull:

With regard to the above referenced U.S. Patent Application, we enclose a copy of the application, a combined Declaration and Power of Attorney, and an Assignment. Please review the application, and then both sign and date the Declaration. If any of your personal information in the Declaration is incorrect (e.g., a postal address), please make the correction in permanent ink. Then initial and date the correction (in addition to signing and dating these papers where indicated).

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We remind you that under the U.S. Patent Laws, each person associated with the filing and prosecution of a patent application (including inventors and attorneys) has a duty of candor and good faith in dealing with the Office, including disclosing to the Patent Office all information of which the person is aware that may be considered by an Examiner to be "material" to patentability. We enclose an information sheet regarding this Duty of Disclosure, which should be read by those involved in the filing and prosecution of the application. As described, please provide us with copies of all publications and other information known to the inventors, attorneys, or anyone else involved in preparation and prosecution of the application that may be material to patentability. This includes the art cited in an international search report (ISR) as well as art cited by any patent office in a non-US counterpart application. We will then submit that information to the PTO in an Information Disclosure Statement.

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of an Information Disclosure Statement is not a safe harbor against a charge of inequitable conduct. It is prudent, therefore, to prepare and file a full translation of non-English language publications to avoid any issues regarding whether the duty of disclosure was satisfied.

Should you have any questions, please do not hesitate to contact me.

Best regards,

Julian F. Santos  
312 913 3304  
santos@mbhb.com

Enclosures



## Duty of Disclosure

All those substantively involved in the prosecution of this patent application (including inventors and their attorneys and agents) are under an obligation to disclose to the United States Patent and Trademark Office any patents, publications, or other information known to be material to the patentability of the claimed invention. This obligation continues until the application becomes abandoned or issues as a patent; thus, information learned between filing of the application and abandonment or issuance must be disclosed as well.

Information is "material" if it is non-cumulative of information already of record and supports a position of unpatentability of the claimed invention or is contrary to a position taken by the applicant(s). Such information may include:

- (a) knowledge or use of the invention by others in the United States;
- (b) patents, co-pending U.S. applications, and other publications (worldwide) disclosing the invention or relating to the invention or to one or more elements of the invention; and
- (c) public use, sale, or offer for sale of the invention in the United States.

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McDonnell, Boehnen,  
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U.S.

DATE: August 9, 2004

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|---|--------------------------|--|
| 1. NAME OF THE REQUESTER:<br>Yolanda for Julian | 2. EXTENSION:<br>2040    | 3. DEPARTMENT:<br>30 <sup>th</sup> Floor |
| 4. CLIENT NUMBER:<br>579                        | 5. MATTER NUMBER:<br>217 | 6. FIRM:<br>7. PERSONAL:<br>INITIALS:    |

8. MAILING INFORMATION:

|                                       |                  |
|---------------------------------------|------------------|
| RECIPIENT'S NAME:<br>Brian Crull      | PHONE NUMBER:    |
| COMPANY NAME:<br>5514 Oak Park Drive  |                  |
| ADDRESS:<br>Clarkston, Michigan 48346 |                  |
| CITY:                                 | STATE: ZIP CODE: |

9. SERVICE (Please select ONLY ONE):

9A691X AUG 09, 2004 ACT NT 1.3 RPK 1  
SERVICE GNDON BILL NT 2  
TRACKING# 129A691X0344968676  
CLIENT: 000579.00217  
REF 2: J. SANTOS  
F1

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**Shipped or Billed on:** Aug 9, 2004

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**Service Type:** GROUND  
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| 9:49 A.M.              | MAUMEE, OH, US  | ARRIVAL SCAN                 |
| 12:26 A.M.             | CHICAGO, IL, US | DEPARTURE SCAN               |
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8/25/2004



**McDonnell Boehnen Hulbert & Berghoff LLP**

300 South Wacker Drive 312 913 0001 phone  
Chicago, Illinois 60606-6709 312 913 0002 fax  
www.mbhb.com



August 9, 2004

Mr. Andrew Ditchfield  
29361 Tonester Circle  
New Hudson, MI 48165

**Confidential & Privileged**  
**Attorney-Client Privilege**

Re: Title: System, Method and Computer Program Product for Remote Vehicle  
Diagnostics, Telematic, Monitoring, Configuring, and Reprogramming  
Country: US  
Application Serial Number: US10/823804A  
Filing Date: May 24, 2004  
Filing Type: Non-Provisional  
Publication No.: n/a  
Publication Date: n/a  
Associate: Julian F. Santos  
McDonnell Boehnen Hulbert & Berghoff LLP  
300 South Wacker Drive  
Chicago, IL 60606  
Issue Number: n/a  
Issued Date: n/a  
MBHB Case No.: 03-089-01  
Snap-On Invention No.: NNT-01872

Dear Mr. Ditchfield:

With regard to the above referenced U.S. Patent Application, we enclose a copy of the application, a combined Declaration and Power of Attorney, and an Assignment. Please review the application, and then both sign and date the Declaration. If any of your personal information in the Declaration is incorrect (e.g., a postal address), please make the correction in permanent ink. Then initial and date the correction (in addition to signing and dating these papers where indicated).

The Assignment should be executed before a Notary Public or other authorized officer. Please note that notarization of an Assignment is not required. However, there are benefits to notarization and, therefore, we recommend it. Specifically, under U.S. law (35 U.S.C. § 261):



A certificate of acknowledgment under the hand and official seal of a person authorized to administer oaths within the United States, or, in a foreign country, of a diplomatic or consular officer of the United States or an officer authorized to administer oaths whose authority is proved by a certificate of a diplomatic or consular officer of the United States, or apostille of an official designated by a foreign country which, by treaty or convention, accords like effect to apostilles of designated officials in the United States, shall be prima facie evidence of the execution of an assignment, grant or conveyance of a patent or application for patent.

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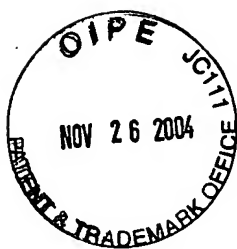
of an Information Disclosure Statement is not a safe harbor against a charge of inequitable conduct. It is prudent, therefore, to prepare and file a full translation of non-English language publications to avoid any issues regarding whether the duty of disclosure was satisfied.

Should you have any questions, please do not hesitate to contact me.

Best regards,

Julian F. Santos  
312 913 3304  
santos@mbhb.com

Enclosures



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- (a) knowledge or use of the invention by others in the United States;
- (b) patents, co-pending U.S. applications, and other publications (worldwide) disclosing the invention or relating to the invention or to one or more elements of the invention; and
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McDonnell, Boehnen,  
Hulbert & Berghoff

AMS

DATE: August 9, 2004

CHARGE BACK AUTHORIZATION SLIP

1. NAME OF THE REQUESTER: Yolanda for Julian 2. EXTENSION: 2040 3. DEPARTMENT: 30<sup>th</sup> Floor

4. CLIENT NUMBER: 579 5. MATTER NUMBER: 217 6. FIRM: 7. PERSONAL: INITIALS:

8. MAILING INFORMATION:

RECIPIENT'S NAME: Andrew Ditchfield  
COMPANY NAME: 29361 Tomster Circle  
ADDRESS: New Hudson, Michigan 48165  
CITY: STATE: ZIP CODE: PHONE NUMBER:

9. SE' 9A691X AUG 09, 2004 ACT WT 1.3 RPK 1  
SERVICE GND COM BILL WT 2  
TRACKING# 129A691X0344300261  
CLIENT: 000579.00217  
REF 2: J. SANTOS

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**Service Type:** GROUND  
**Weight:** 1.30 Lbs



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| 4:12 A.M.              | LIVONIA, MI, US | ARRIVAL SCAN                 |
| Aug 9, 2004 9:59 P.M.  | CHICAGO, IL, US | DEPARTURE SCAN               |
| 9:40 P.M.              | CHICAGO, IL, US | ORIGIN SCAN                  |
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McDonnell Boehnen Hulbert & Berghoff LLP

300 South Wacker Drive 312 913 0001 phone  
Chicago, Illinois 60606-6709 312 913 0002 fax  
www.mbhb.com

August 9, 2004

Mr. Brian Carl  
226 Longford Drive  
Rochester Hills, MI 48309

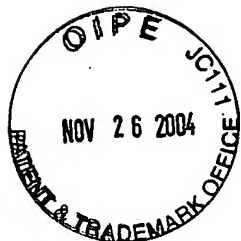
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Re: Title: System, Method and Computer Program Product for Remote Vehicle  
Diagnostics, Telematic, Monitoring, Configuring, and Reprogramming  
Country: US  
Application Serial Number: US10/823804A  
Filing Date: May 24, 2004  
Filing Type: Non-Provisional  
Publication No.: n/a  
Publication Date: n/a  
Associate: Julian F. Santos  
McDonnell Boehnen Hulbert & Berghoff LLP  
300 South Wacker Drive  
Chicago, IL 60606  
Issue Number: n/a  
Issued Date: n/a  
MBHB Case No.: 03-089-01  
Snap-On Invention No.: NNT-01872

Dear Mr. Carl:

With regard to the above referenced U.S. Patent Application, we enclose a copy of the application, a combined Declaration and Power of Attorney, and an Assignment. Please review the application, and then both sign and date the Declaration. If any of your personal information in the Declaration is incorrect (e.g., a postal address), please make the correction in permanent ink. Then initial and date the correction (in addition to signing and dating these papers where indicated).

The Assignment should be executed before a Notary Public or other authorized officer. Please note that notarization of an Assignment is not required. However, there are benefits to notarization and, therefore, we recommend it. Specifically, under U.S. law (35 U.S.C. § 261):





A certificate of acknowledgment under the hand and official seal of a person authorized to administer oaths within the United States, or, in a foreign country, of a diplomatic or consular officer of the United States or an officer authorized to administer oaths whose authority is proved by a certificate of a diplomatic or consular officer of the United States, or apostille of an official designated by a foreign country which, by treaty or convention, accords like effect to apostilles of designated officials in the United States, shall be prima facie evidence of the execution of an assignment, grant or conveyance of a patent or application for patent.

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Should you have any questions, please do not hesitate to contact me.

Best regards,

A handwritten signature in cursive script, appearing to read "Julian F. Santos".

Julian F. Santos  
312 913 3304  
santos@mbhb.com

Enclosures



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- (b) patents, co-pending U.S. applications, and other publications (worldwide) disclosing the invention or relating to the invention or to one or more elements of the invention; and
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McDonnell, Boehnen,  
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DATE: August 9, 2004

1. NAME OF THE REQUESTER: Yolanda for Julian 2. EXTENSION: 2040 3. DEPARTMENT: 30<sup>th</sup> Floor

4. CLIENT NUMBER: 579 5. MATTER NUMBER: 217 6. FIRM: 7. PERSONAL: INITIALS:

## 8. MAILING INFORMATION:

|                   |                                 |           |               |
|-------------------|---------------------------------|-----------|---------------|
| RECIPIENT'S NAME: | Brian Carl                      |           |               |
| COMPANY NAME:     | 226 Longford Drive              |           |               |
| ADDRESS:          | Rochester Hills, Michigan 48309 |           |               |
| CITY:             | STATE:                          | ZIP CODE: | PHONE NUMBER: |

## 9. SERVICE (Please select ONLY ONE):

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CLIENT: 000579.00217

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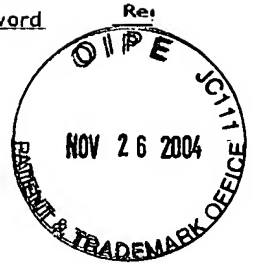
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**Location:** PORCH  
**Delivered to:** ROCHESTER HILLS, MI, US  
**Shipped or Billed on:** Aug 9, 2004

**Tracking Number:** 1Z 9A6 91X 03 4526 577 2  
**Service Type:** GROUND  
**Weight:** 1.30 Lbs



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**Package Progress:**

| Date/Time              | Location                | Activity                     |
|------------------------|-------------------------|------------------------------|
| Aug 10, 2004 5:25 P.M. | MADISON HEIGHTS, MI, US | DELIVERY                     |
| 7:33 A.M.              | MADISON HEIGHTS, MI, US | OUT FOR DELIVERY             |
| 7:09 A.M.              | MADISON HEIGHTS, MI, US | ARRIVAL SCAN                 |
| 6:29 A.M.              | LIVONIA, MI, US         | DEPARTURE SCAN               |
| 4:46 A.M.              | LIVONIA, MI, US         | OUT FOR DELIVERY             |
| 4:12 A.M.              | LIVONIA, MI, US         | ARRIVAL SCAN                 |
| Aug 9, 2004 9:59 P.M.  | CHICAGO, IL, US         | DEPARTURE SCAN               |
| 9:13 P.M.              | CHICAGO, IL, US         | ORIGIN SCAN                  |
| 7:02 P.M.              | US                      | BILLING INFORMATION RECEIVED |
| 5:49 P.M.              | CHICAGO, IL, US         | PICKUP SCAN                  |

Tracking results provided by UPS: Aug 25, 2004 4:00 P.M. Eastern Time (USA)

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